

House File 451 - Introduced

HOUSE FILE 451
BY BROWN-POWERS

A BILL FOR

- 1 An Act requiring a distinguishing mark on driver's licenses
- 2 issued to persons convicted of a third or subsequent offense
- 3 of operating while intoxicated.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.189, subsection 2, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Od.* Subject to the requirements of section
4 321J.26, if the licensee has been convicted of a third or
5 subsequent offense of operating while intoxicated in violation
6 of section 321J.2, a distinguishing mark designed by the
7 department shall appear on the back of the licensee's driver's
8 license.

9 Sec. 2. NEW SECTION. **321J.26 Certain licenses conditioned**
10 **on abstinence.**

11 1. Notwithstanding section 321.177, subsection 4, or
12 any other provision of law to the contrary, an application
13 for a temporary restricted license or driver's license by a
14 person convicted of a third or subsequent offense of operating
15 while intoxicated in violation of section 321J.2 shall be
16 accompanied by a statement signed by the person that the person
17 will abstain from consuming alcoholic beverages in public and
18 from possessing or using controlled substances. The person's
19 temporary restricted license or driver's license shall contain
20 a distinguishing mark pursuant to section 321.189, subsection
21 2, paragraph "*Od*". The person's pledge to abstain from
22 consuming alcoholic beverages in public and from possessing
23 or using controlled substances shall be a condition of the
24 issuance and validity of the person's temporary restricted
25 license or driver's license. The department shall revoke the
26 person's temporary restricted license or driver's license if
27 the department has reasonable grounds to believe the person
28 consumed an alcoholic beverage in public or possessed or used a
29 controlled substance after issuance of the license, whether or
30 not the circumstances surrounding the consumption or possession
31 involved the operation of a motor vehicle.

32 2. Upon proper application and receipt of a valid driver's
33 license issued with a distinguishing mark pursuant to section
34 321.189, subsection 2, paragraph "*Od*", by a person who has not
35 consumed an alcoholic beverage in public or possessed or used a

1 controlled substance within the five-year period immediately
 2 preceding the submission of the application, and whose driving
 3 record does not contain any violations of section 321J.2 within
 4 the five-year period immediately preceding the submission of
 5 the application, the department shall destroy the person's
 6 license and issue to the person a duplicate driver's license
 7 without the distinguishing mark required by section 321.189,
 8 subsection 2, paragraph "0d".

9 3. The department may adopt rules to administer this
 10 section.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
 13 the explanation's substance by the members of the general assembly.

14 This bill requires an application for a temporary restricted
 15 license or driver's license by a person convicted of a third
 16 or subsequent offense of operating while intoxicated to be
 17 accompanied by a statement signed by the person that the
 18 person will abstain from consuming alcoholic beverages in
 19 public and from possessing or using controlled substances.
 20 The bill requires the person's temporary restricted license
 21 or driver's license to contain a distinguishing mark on the
 22 back of the license. The bill provides that the person's
 23 pledge to abstain from consuming alcoholic beverages in
 24 public and from possessing or using controlled substances
 25 is a condition of the issuance and validity of a temporary
 26 restricted license or driver's license. The bill requires
 27 the department of transportation (DOT) to revoke the person's
 28 temporary restricted license or driver's license if the DOT
 29 has reasonable grounds to believe the person has consumed an
 30 alcoholic beverage in public or possessed or used a controlled
 31 substance after issuance of the license, whether or not
 32 the circumstances surrounding the consumption or possession
 33 involved the operation of a motor vehicle. Under current law,
 34 Code section 321J.14 permits judicial review of DOT actions in
 35 accordance with Code chapter 17A.

1 The bill further provides that upon proper application
2 and receipt of a valid driver's license issued with the
3 distinguishing mark by a person who has not consumed an
4 alcoholic beverage in public or possessed or used a controlled
5 substance within the five-year period immediately preceding
6 the submission of the application, and whose driving record
7 contains no operating-while-intoxicated violations within the
8 five-year period immediately preceding the submission of the
9 application, the DOT shall destroy the person's license and
10 issue to the person a duplicate driver's license without the
11 required distinguishing mark.